



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1A
Atty
Atty
Atty

Zachary Filgas (GUARD/P)

Hopper, Cindy J. (for Rachel Stauffer – Mother – Moving party)

Attashian, Zepure (for Elaine Thomas – Paternal Grandmother – Temporary Guardian)

Kilpatrick, Patricia (Pro Per – Maternal Grandmother)

Case No. 10CEPR00914

Motion to Quash Civil Subpoena for Kaweah Delta Hospital and St. Agnes Medical Center

Age: 2	TEMP (Elaine Thomas) EXPIRES 7-23-13	NEEDS/PROBLEMS/COMMENTS:
	ELAINE THOMAS , Paternal Grandmother, is Temporary Guardian.	See timeline on Page 2 for reference. Trial is currently set for 7-23-13.
Cont. from 061213	RACHEL STAUFFER , Mother, filed a Motion to Quash Civil Subpoena for Kaweah Delta Hospital and St. Agnes Medical Center on 5-17-13.	Note: On 6-14-13, Cindy J. Hopper, attorney for Mother Rachel Stauffer, filed Notice of Motion and Motion to be Relieved as Counsel. See Page 1B of this calendar.
Aff.Sub.Wit.	Ms. Stauffer states:	Upcoming dates:
Verified	<ul style="list-style-type: none">On 5-3-13, she was served with a Notice to Consumer or Employee and Objection and a Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial and Declaration for St. Agnes Medical Center and Kaweah Delta Hospital (attached).	7-23-13: Court Trial re general guardianship – time estimate 2-2½ days.
Inventory	<ul style="list-style-type: none">On 5-8-13, Attorney Hopper faxed a letter to Attorney Attashian stating that the mother's medical records are privileged and are outside the scope of discovery as there are no medical issues before the Court concerning the guardianship itself, and informing Ms. Attashian that she would not be entitled to all medical records prior to the birth of Zachary nor records that do not pertain to any issues that have not been tendered before this Court, and if she did not immediately withdraw the subpoenas and Mother is forced to file a motion to quash, she would be requesting sanctions for abuse of the discovery process.	Reviewed by: skc
PTC	<ul style="list-style-type: none">Ms. Stauffer states she has NOT put any medical issues before this Court; rather, Elaine has been the one to do so. In her 4-2-12 petition, she stated that Ms. Stauffer needed to be admitted to a hospital, and attached an email from Ms. Stauffer's mother (Patricia Kilpatrick) to Attorney Attashian.	Reviewed on: 7-11-13
Not.Cred.	<ul style="list-style-type: none">Further, Elaine has requested all of Mother's medical records without ANY limit to time frame. Elaine should not be entitled to ANY of the medical records, especially those that do not pertain to issues not tendered before this Court.	Updates:
Notice of Hrg	<ul style="list-style-type: none">Trial was originally scheduled for 3-26-13, but continued by stipulation and order. At no time did Mother agree to waive the discovery time and said time frame has lapsed. Furthermore, she did not agree to reopen discovery proceedings.	Recommendation:
Aff.Mail		File 1 – Filgas
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Points and Authorities attached.	

Page 2

Declaration of Temporary Guardian Elaine Thomas states that on 1-30-13, Ms. Stauffer had filed a supplemental declaration with the Court. At the time of filing, Rachel had failed to visit for approx. six weeks. As a result of the declaration, Guardian's attorney propounded discovery to determine where Ms. Stauffer had been hospitalized and the reason. In answering, Ms. Stauffer stated she had been hospitalized at Kaweah Delta and St. Agnes Medical Hospital.

The initial trial date was 3-26-13. Trial has been continued three times. The above declaration proffering new information and the affirmative defense by Respondent after the initial trial setting.

Guardian requests Ms. Stauffer's medical records pursuant to Civil Code § 1987(c) allowing the issuance of the subpoena approximately 20 days before a trial date. The subpoena is timely. If the Court finds otherwise, she requests the Court re-open discovery so that these records can be admitted as relevant in the instant proceedings. Ms. Stauffer invoked her medical condition as the reason for her significant absence from Zachary's life. The records have been released and are in the attorney's possession. Because of the delicate nature of the contents, Guardian has not reviewed the records, but is amenable to the issuance of a protective order and an in camera review of the records.

Guardian states Ms. Stauffer provided a third party (her mother) with access to her medical records, and it is also Guardian's understanding that there are statements by third parties in the records. Guardian requests the Court review the documents to determine whether she has already waived privileged by providing access to a third party and whether there are statements made by third parties who are expected witnesses to the instant action.

In the very least, the records should be available to Guardian at trial to ensure Ms. Stauffer's candor or any third party's candor regarding the information relevant to the instant proceedings and guardianship.

Points and Authorities attached.

			CINDY J. HOPPER , Attorney for Rachel Stauffer, mother of Zachary Filgas, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Page 1A is Mother's Motion to Quash Civil Subpoena. <u>Note:</u> Trial is set for 7-23-13.
			Petitioner states an irremediable break down in the relationship between attorney and client has occurred that cannot be repaired and which makes it impossible for attorney to continue representation of client. Furthermore, client has breached her agreement with attorney and refuses to cooperate with attorney making it impossible for attorney to continue any further representation.	
	Aff.Sub.Wit.		Notice was sent to the client, Rachel Stauffer, and to Attorney Attashian, on 6-13-13.	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg	w		
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	Sp.Ntc.			
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	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 7-11-13
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 1 – Filgas

Lyle E. Schafer Decedents Trust

Case No. 12CEPR00682

Wright, Janet L. (for Janice Branum – Successor Trustee – Petitioner)

Petition for Settlement of Third and Final Account and Report of Trustee; for Termination and Final Distribution of Trust; and for Transfer of Trust Administration for Sub-Trusts [Prob. C. 16062, 17200(b)(13), 17400, et seq.]

Lyle E. Schafer DOD: 8-20-10		JANICE BRANUM , Successor trustee, is Petitioner. Account period: 11-1-12 through 4-30-13 Accounting: \$2,451,908.24 Beginning POH: \$2,424,767.01 Ending POH: \$1,567,518.22 (cash) Closing: \$12,000.00 (for payment of attorney fees for this final petition and accountant fees for the final tax returns) Petitioner states all trust administration matters are substantially completed including payment of all debts of the decedent. All post death administration expenses and costs, except for the preparation of the 2013 final fiduciary income tax returns and the remaining expenses, fees, costs of final distribution, have been paid or accounted for in this petition. Petitioner states with the approval of this Third Account and other relief requested herein, Petitioner intends to resign as Trustee in favor of Bradford T. Schafer, the Successor Trustee designated by the Trustors in the 2 nd Amendment (Exhibit B). Therefore, the funding of the sub-trusts will be to Bradford T. Schafer as Successor Trustee. Mr. Schafer resides in Godley, Texas. Petitioner requests that as a part of the Order of Final Distribution for the Decedent's Trust, that the Court approve the transfer of the administration of the sub-trusts established on distribution to Godley, Texas, subject to the jurisdiction of the 355 th Judicial District Court, Granbury, Texas. Petitioner proposes distribution of the remaining trust estate as follows: <ul style="list-style-type: none"> Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Pamela J. Schafer-Waller: \$308,214.14 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Marlin L. Schafer: \$346,740.90 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Joy L. Harned (formerly Joy Lebeuf): \$260,055.68 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Michael J. Kendall: \$216,713.06 Bradford T. Schafer, Trustee of the sub-trust created under the Lyle E. Schafer Decedent's Trust FBO Bradford T. Schafer: \$423,794.44 Request for transfer to another jurisdiction: SEE PAGE 2	NEEDS/PROBLEMS/ COMMENTS: 1. Petitioner originally requests a \$12,000.00 reserve, which appears to be the amount the distribution amounts are based on; however, the prayer and order indicate a reserve of \$16,076.00. Need clarification.																																																																			
<table border="1"> <tr> <td><input type="checkbox"/></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Verified</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Inventory</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>PTC</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Aff.Mail</td> <td>W</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Letters</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Objections</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>CI Report</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>9202</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Order</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Citation</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>FTB Notice</td> <td></td> </tr> </table>				<input type="checkbox"/>	Aff.Sub.Wit.		<input checked="" type="checkbox"/>	Verified		<input type="checkbox"/>	Inventory		<input type="checkbox"/>	PTC		<input type="checkbox"/>	Not.Cred.		<input checked="" type="checkbox"/>	Notice of Hrg		<input checked="" type="checkbox"/>	Aff.Mail	W	<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>	Letters		<input type="checkbox"/>	Duties/Supp		<input type="checkbox"/>	Objections		<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>	CI Report		<input type="checkbox"/>	9202		<input checked="" type="checkbox"/>	Order		<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>	Status Rpt		<input type="checkbox"/>	UCCJEA		<input type="checkbox"/>	Citation		<input type="checkbox"/>
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		Reviewed by: skc Reviewed on: 7-11-13 Updates: Recommendation: File 3 – Schafer																																																																				

Page 2

Petitioner requests the Court transfer administration of the sub-trusts established pursuant to this order pursuant to Probate Code §§17400 et seq., based on the following:

- Petitioner will resign as trustee effective upon acceptance by the Court of the assumption of trusteeship by the next designated trustee, Bradford T. Schafer. After her resignation, there will be no further administration in Fresno County.
- Bradford T. Schafer has agreed to accept trusteeship (See Acceptance filed concurrently). The administration of the trust will be conducted at an address in Godley, Texas, which is Mr. Schafer's address. For ease of administration and cost-effectiveness, he requests administration be transferred to the 355th Judicial District Court, Granbury, Texas.
- Mr. Schafer is an established and respected businessman in Granbury, Texas. In addition to owning and operating several businesses, he is employed as senior management overseeing leasing for a major oil and gas company. Pursuant to the terms of the trust, bond is not required.
- There are no other trusts by the same trustor being administered by Mr. Schafer in the 355th Judicial District Court, Granbury, Texas.

Petitioner requests an order that:

1. The Third and Final Account be settled, allowed, and approved as rendered and all acts of Petitioner set forth or relating to the matters set forth be ratified, confirmed, and approved;
2. Petitioner be authorized to retain a reserve fund in the amount of \$16,076.00; [See Note #1]
3. Petitioner be authorized and distribution of the trust estate as described above;
4. The administration of the sub-trusts established pursuant to the terms of the **Lyle E. Schafer Decedent's Trust** be transferred to the 355th Judicial District Court, Granbury, Texas; and
5. Such further relief as the court deems proper.

Atty Boyett, Deborah K. (for Conservator David R. Springer)

Atty Walters, Jennifer L. (court appointed for Conservatee)

Petition for Payment of Attorney's Fees [Prob. C. 1470 et seq.]

Age: 71 years DOB: 7/15/1942		JENNIFER WALTERS, petitioner, was Court appointed to represent the Conservatee on 4/4/2013.	NEEDS/PROBLEMS/COMMENTS:
		DAVID R. SPRINGER was appointed Conservator of the Person and Estate on 5/7/2013.	1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. David R. Springer (conservator) b. Deborah Boyett (attorney for conservator) c. Marilyn Springer (conservatee) - Probate Code §1042 and §1460.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Petitioner requests fees in connection with the representation of the Conservatee for David R. Springer's petition to appoint a conservator.	Note to Judge: The Court may want to consider terminating Jennifer Walter's appointment as attorney for the Conservatee.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Petitioner asks that she be paid from the conservatorship estate for 5.4 hours @ \$245.00 per hour for a total of \$1,323.00 and for costs of \$435.00 for the filing fee.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Services are itemized by date and include review of documents, visits with client, and court appearances.	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
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			Reviewed by: KT
			Reviewed on: 7/12/2013
			Updates:
			Recommendation:
			File 4 – Springer

Age: 19	NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 5-13-13. <u>Continued from 5-21-13. As of 7-11-13, nothing further has been filed.</u> 1. Need assessment and report with findings and recommendations from CVRC for <i>limited</i> conservatorship pursuant to Probate Code §1827.5. 2. Petitioners request <i>limited</i> conservatorship, but include <u>all of the additional powers</u> under §2351.5. However, according to the Court Investigator's report, Petitioners made statements indicating that they do not want <u>all of the additional powers</u> requested in the petition. The Court may require clarification regarding whether Petitioners are requesting a <i>limited</i> or a <i>general</i> conservatorship, and if <i>limited</i> , need CVRC assessment regarding appropriateness.
	NEIL and DOREDDA GROSSMAN , Parents, are Petitioners and request appointment as Limited Conservators of the Person with medical consent powers under Probate Code §2355 and all additional powers listed under Probate Code §2351.5, including fix residence, access to confidential records, consent or withhold consent to marriage, right to contract, right to control social and sexual contacts and relationships, decisions re education.	
Cont. from 052113	Voting rights <u>NOT</u> affected	
Aff.Sub.Wit.	A Capacity Declaration was filed on 5-8-13. Capacity Declaration of Rod Kraft, MD, 5-13-13, supports the request for medical consent powers.	
✓ Verified	Petitioners state Kyle Grossman lives at home with his parents and a brother. Kyle has Asperger Syndrome, a neurological disorder that is part of a group of conditions called autism spectrum disorders, and has limited cognitive ability. He cannot be left unattended for safety reasons. He can dress himself, shave, and provide personal hygiene, but must be prompted to do so. He cannot tie his shoes or pull up a zipper. He requires consistent daily care and supervision. Conservatorship will assure that he is well taken care of and that his specific personal and medical needs are met.	
Inventory	Court Investigator Jo Ann Morris filed a report on 5-14-13. The Investigator discussed the differences between limited and general conservatorship, such as marriage, etc., and Petitioners indicated that they don't want to limit Kyle's social and sexual contacts and relationship, and it is their hope that he can live independently someday. The Investigator contacted CVRC pursuant to Probate Code §1827.5(c), which requires a report from the regional center with regard to limited conservatorships. However, CVRC indicated that it was not their policy to get involved in conservatorship proceedings. When informed of the statutory requirement, Program Manager Sam Morgan indicated he would check with his legal department, but did not think CVRC would be preparing a report. The Investigator attempted to contact Trinidad Beltran, who Mr. Morgan referred her to, but did not receive a call back.	
PTC	The report states that the proposed Conservatee is high functioning and has valid opinions about his education, etc. At this time, he is content with following the advice of his parents and defers to them to make major decisions. However, without a report from CVRC, the Investigator is unable to make a definitive recommendation as to the proposed conservatee's exact degree of disability and which powers are absolutely necessary. It does appear appropriate to grant a limited conservatorship with authority to limit the Conservatee's right to contract and authority to make medical decisions based on the Capacity Declaration of Dr. Kraft.	
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		
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✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
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✓ Order		
Aff. Posting		
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UCCJEA		
✓ Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 5-16-13
		Updates:
		Recommendation:
		File 5 – Grossman

Atty Walters, Jennifer L. (for Petitioner/surviving spouse Patsy Trueblood)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 5/16/2013		PATSY TRUEBLOOD , surviving spouse, is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – o.k.	1. Need waivers of bond from: a. Kellee Anderson (daughter) b. Jon Trueblood (son) - Or bond set at \$130,000.00
Cont. from		Decedent died intestate.	2. Need Letters
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Residence: Madison County, IN (leaving real property in Fresno CA)	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Publication: Fresno Business Journal	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	X	
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Estimated value of the estate:

Personal property - \$ 80,000.00
 Real property - \$ 50,000.00
Total - \$130,000.00

Probate Referee: Steven Diebert

Reviewed by: KT

Reviewed on: 7/11/2013

Updates:

Recommendation:

File 6 – Trueblood

7 Martin Rodriguez Special Needs Trust (SNT)

Case No. 11CEPR00430

Atty Matlak, Steven M.

Atty Barron, Richard B.

Status Hearing Re: Filing of the First Account of the Successor Trustee

Age:		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. First and Final Account approved on 5/20/2013.
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
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<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: KT
		Reviewed on: 7/11/2013
		Updates:
		Recommendation:
		File 7 – Rodriguez

Atty Walters, Jennifer L. (for Damian Servantes – Petitioner)

Atty Boyajian, Thomas M. (for Michael Servantes and Sandra Servantes – Competing Petitioners)

Atty Bagdasarian, Gary (Court appointed for Proposed Conservatee Petra Cowling)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)

Age: 75		TEMP EXPIRES 7-16-13	NEEDS/PROBLEMS/COMMENTS:
		DAMIAN SERVANTES , Grandson, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and Orders relating to dementia per attachment; <i>however, Dementia Attachment GC-313 is not attached, and as Conservator of the Estate (bond not addressed).</i>	<u>Court Investigator advised rights 7-8-13</u>
		VOTING RIGHTS AFFECTED	<u>Voting rights affected – need minute order</u>
<input type="checkbox"/>	Aff.Sub.Wit.	A Capacity Declaration was filed 6-11-13. Capacity Declaration of Dr. Jennifer Lancaster, D.O., 5-31-13, supports medical consent powers and dementia medication and placement powers.	1. Need video receipt.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Petitioner states Mrs. Cowling's husband passed away a couple of years ago, and up until recently, she was doing fine maintaining on her own. Petitioner's father, Competing Petitioner Michael Servantes, had been assisting her. Petitioner has been in San Diego and would come up on the weekends. It came to Petitioner's attention that Michael was treating her poorly and her health and mental state have diminished significantly. On 5-20-13, Petitioner's brother Lance Servantes called and stated that their grandmother was ill, left without care for days and sometimes weeks at a time. The only food in the house were snacks that would spoil. No one was purchasing groceries for her regularly. He called his grandmother and she requested that he come help her, and stated she wanted Michael to leave her alone. However, when Petitioner got to Fresno, Michael informed him that the only way he would see his grandmother was through him.	Note: Competing petition filed 7-11-13 by Michael Servantes (son) and Sandra Servantes is set for hearing 8-13-13.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Note:	<ul style="list-style-type: none"> Petitioner resides in Chula Vista, CA. Competing Petitioners reside in Clovis, CA. Proposed Conservatee Petra Cowling resides in her own home in Sanger, CA.
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	X	
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<input type="checkbox"/>	9202		
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		SEE PAGE 2	
			Reviewed by: skc
			Reviewed on: 7-12-13
			Updates:
			Recommendation:
			File 8 – Cowling

Page 2

Petitioner states the Sanger police came to the home and informed Petitioner that his grandmother wanted to see him, but Michael did not want him on the property. Petitioner agreed to leave and come back later.

On 5-30-13, Mrs. Cowling was transported to Kaiser Emergency Room when Michael called 911 and said she was experiencing a stroke. Petitioner states she became very upset when Michael and his ex-wife showed up at the hospital. Petitioner left when Michael argued with other family members. Petitioner states Kaiser would only release her to a family member other than Michael, so they released her to her sister. APS then contacted the family and indicated that Mrs. Cowling is gravely ill, is suffering from dementia, and there is concern about financial abuse by Michael.

Petitioner states Michael has extensive criminal history. Petitioner does not know how much has been stolen from his grandmother, but she owns her home, and Petitioner wants to make sure she is being taken care of. If someone doesn't step in soon, how long before she is back in the hospital or something happens in her home?

Court Investigator Samantha Henson filed a report on 7-9-13.

Gary G. Bagdasarian, Court appointed attorney for Mrs. Cowling, filed a declaration on 6-24-13 that states Mrs. Cowling appears to be in favor of her grandson, but Mr. Bagdasarian agrees with the Court Investigator that further investigation is needed with regard to the competing petition.

Note: If granted, the Court will set status hearings for the following events:

- **Filing of bond**
- **Filing of Inventory and Appraisal**
- **Filing of First Account**

However, Examiner notes that at this time it would be premature to set dates for these status events.

Petition for Termination of Guardianship

Age: 13		<p>CRYSTAL L. AGUILAR, mother, is Petitioner.</p> <p>JOEL ALVARADO and ELIZABETH ALVARADO, maternal grandfather and step-grandmother, were appointed Co-Guardians of the Person on 08/23/12. – Consent & Waiver of Notice signed 05/06/13</p> <p>Father: JOSE FRANCISCO</p> <p>Paternal grandfather: ELIAS FRANCISCO Paternal grandmother: IRMA FRANCISCO</p> <p>Maternal grandmother: GRISELDA CAVAZOS</p> <p>Petitioner states that the guardianship was only supposed to be temporary and she would like Carmen to come back to live with her so she can be around her siblings and so that their family will be complete. Petitioner states that she has moved since the guardianship was established to a new town and Carmen will go to a new school and she is sure Carmen will excel at the new school.</p> <p>Court Investigator Julie Negrete filed a report on 07/10/13. The report states there is a concern regarding mother's reported use of marijuana and the fact that she is currently on the PC-1000 Court Ordered Diversion Program for a minimum of 18 months and up to 3 years. The mother reported to the CI that she had last used marijuana 2 years ago, however, she tested positive for marijuana in December 2012. Although it appears that Carmen is comfortable in her mother's home and the co-guardians are in agreement with terminating the guardianship, there remains concern regarding the mother's recent positive drug test for marijuana. Therefore, based on that information is it recommended that the petition be <u>DENIED.</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> - Jose Francisco (father) - Elias Francisco (paternal grandfather) - Irma Francisco (paternal grandmother) - Griselda Cavazos (maternal grandmother) <p>Notes to Judge: Per CI report there is an open CPS referral against the mother for general neglect. The mother has 4 other children living with her ranging in age from 8 to 11 months and she is currently expecting her 6th child in October. It is reported that they all live in a 2 bedroom apartment.</p> <p>Per CI report, the mother has a new boyfriend – Angel Rivera. The mother reports that Mr. Rivera has criminal history, but she doesn't know what it is. It is unclear from the report whether Mr. Rivera lives in the mother's home. It is reported that Mr. Rivera is the father of the mother's youngest child and her unborn child.</p>	
Cont. from				
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<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
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<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
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<input type="checkbox"/>	Video Receipt			
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<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: JF
Reviewed on: 07/12/13
Updates:
Recommendation:
File 9 – Francisco

Nermiah Prieto	NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
Mario Prieto	EDELMIRA TORRES, Maternal Grandmother, is Petitioner.	<u>Note to Judge:</u> Petitioner speaks Spanish.
		<u>Note:</u> This petition pertains to minors Nermiah Prieto and Mario Prieto only. Daniel Rueda Torres and Victoria Rodriguez, maternal uncle and aunt, were appointed guardians of these minors' half-siblings on 6-19-13.
	Father: MARIO PRIETO - Consents and waives notice	1. Need clarification: The minor's name is spelled two ways in the petition Is it "NERMIAH" or "NEREMIAH?"
Aff.Sub.Wit.		
✓ Verified	Mother: CANDIDA TORRES - Consents and waives notice	
Inventory		
PTC	Paternal Grandfather: Antonio Prieto - Mailed service 5-23-13	
Not.Cred.	Paternal Grandmother: Maria Prieto - Mailed service 5-23-13	
✓ Notice of Hrg	Maternal Grandfather: Leonel Rueda - Mailed service 5-23-13	
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen	Petitioner states CPS has strongly recommended that Petitioner file for guardianship because the mother is homeless and abusing drugs. The father has no intention of caring for the children.	
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt	Court Investigator Jo Ann Morris filed a report on 7-1-13.	
✓ CI Report		Reviewed by: skc
✓ Clearances		Reviewed on: 7-12-13
Order		Updates:
Aff. Posting		Recommendation:
Status Rpt		File 10 – Bernardino
✓ UCCJEA		
Citation		
FTB Notice		

Age: 3 months		<p align="center"><u>TEMPORARY EXPIRES 07/16/13</u></p> <p>HILDA DEL BOSQUE, paternal grandmother, is Petitioner.</p> <p>Father: ANDREW MARQUEZ – Consent & Waiver of Notice filed 05/14/13</p> <p>Mother: MARGARET ANGULO VILLAGOMEZ – Consent & Waiver of Notice filed 05/14/13</p> <p>Paternal grandfather: ANDREW RUIZ MARQUEZ – Consent & Waiver of Notice filed 05/14/13</p> <p>Maternal grandfather: CARLOS ANGULO – Consent & Waiver of Notice filed 05/14/13</p> <p>Maternal grandmother: MAXINE ANGULO – Consent & Waiver of Notice filed 05/14/13</p> <p>Siblings: DESTINY MARQUEZ (16), KIARA VASQUEZ (13), served by mail on 05/07/2013.</p> <p>Petitioner alleges mother and child tested positive for meth when Bella was born. Mother has entered rehab leaving Bella in Petitioners care. Both parents agree that Petitioner should be the guardian of Bella.</p> <p>Court Investigator Jo Ann Morris' report filed 07/09/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner did not sign the UCCJEA.</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			n/a
	Aff.Mail			n/a
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			n/a
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: LV</p> <p>Reviewed on: 07/12/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Marquez</p>				

Age: 18		NO TEMP REQUESTED JOHN and APRIL BUTTERFIELD , Parents, are Petitioners and request appointment as Co-Conservators of the Person only. Petitioners also request orders authorizing independent exercise of powers under Probate Code §2590. VOTING RIGHTS AFFECTED A capacity declaration was filed 5-15-13. Petitioners state the proposed Conservatee was diagnosed with Fragile X Syndrome at age 3. He remains low-functioning and is likely to remain that way indefinitely. He is indifferent to his physical health and will not obtain proper nutrition or hydration without constant supervision. He pays almost no heed to personal safety and has entered roadways without watching for traffic. He is unable to interact appropriately with other people and often fails to remember who people are unless he sees them daily. Although he is good at basic arithmetic, he does not comprehend money. He does not make independent decisions and will simply do what he is told.	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 6-12-13</u> <u>Voting rights affected</u> - <u>Need minute order</u> Minute Order 6-25-13: Petitioners inform the Court that they do want medical consent powers. The Court advises Petitioners to fix defects on the Examiner Notes. 1. Petitioners request powers under Probate Code §2590; however, do not request conservatorship of the estate or provide any explanation of the situation that necessitates such powers. Need clarification. 2. Petitioners do not request medical consent powers under Probate Code §2355; however, a capacity declaration was provided that indicates that such powers might be appropriate. Need clarification. If medical consent powers are to be considered, the Court may require amended petition and service on the proposed Conservatee.					
Cont. from 062513								
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✓	Citation							
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		Court Investigator Julie Negrete filed a report on 6-18-13.	<table border="1"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 7-11-13</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 12 – Butterfield</td></tr> </table>	Reviewed by: skc	Reviewed on: 7-11-13	Updates:	Recommendation:	File 12 – Butterfield
Reviewed by: skc								
Reviewed on: 7-11-13								
Updates:								
Recommendation:								
File 12 – Butterfield								

Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 05/01/2013		STEPHEN L. BAIRD, son/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:		
Cont. from				Full IAEA - ?	1. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D. 2. Need Affidavit of Publication.
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/o			
	Aff.Pub.	x			
	Sp.Ntc.	Will dated: 02/24/1977 Residence: Sanger Publication: Need	<u>Note:</u> If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> Friday, 12/20/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Friday, 09/19/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 		
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order			<u>Estimated value of the Estate:</u> Personal property - \$36,000.00 Real property - \$119,000.00 Total: - \$155,000.00	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
		Probate Referee: Steven Diebert	Reviewed by: LV Reviewed on: 07/12/2013 Updates: Recommendation: File 13 – Baird		

Atty **Johns, Dallas R. (for Darrell T. Burks and Elizabeth Davis – paternal grandfather & step-grandmother/Petitioners)**

Petition for Appointment of Temporary Guardianship of the Person

Age: 8	<u>GENERAL HEARING 09/03/13</u>	NEEDS/PROBLEMS/COMMENTS:
	DARRELL T. BURKS and ELIZABETH DAVIS , paternal grandfather and step-grandmother, are Petitioners.	1. Need Notice of Hearing.
	Father: RUSSELL W. BURKS	2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for:
Cont. from	Mother: TAMMY TREJO	- Russell W. Burks (father)
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandmother: PEGGY BURKS	- Tammy Trejo (mother)
<input checked="" type="checkbox"/> Verified	Maternal grandfather: UNKNOWN	
<input type="checkbox"/> Inventory	Maternal grandmother: DECEASED	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen	Petitioners allege that until June 5, 2013, Elijah was living with his mother and approximately 16 other maternal relatives (children and adults) in a home in Live Oak, CA. Petitioners allege that the home was filthy and the children were running around unsupervised. Petitioners allege that Elijah has been taught by other children living in the home to light fires and was shot in the hand with a BB as a result of playing with a BB gun found in the back yard of the home. Petitioners state that Elijah's mother failed to obtain dental and medical treatment for Elijah and he had 8 cavities when they took him the doctor. Petitioners further state that Elijah was doing poorly in school. Petitioners state that since Elijah has been living with them, they have got him medical and dental treatment, enrolled him in swimming lessons, and have spent a lot of time reading with him. Petitioner Burks states that he is retired and is home to care for Elijah. Petitioners believe that temporary guardianship is necessary because the mother has not been providing adequate care for a long time and father is not able to pursue custody at this time. Petitioners believe it is in Elijah's best interest to continue to reside with them so that they can provide him with appropriate supervision, love, care and stability.	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/12/13
		Updates:
		Recommendation:
		File 14 – Burks

Petition for Appointment of Temporary Guardian of the Person

Age: 15		<u>GENERAL HEARING 09/05/13</u>		NEEDS/PROBLEMS/COMMENTS:	
		DIANA BREWSTER, sister, is Petitioner.			
		Father: GEORGE BREWSTER, SR. – <i>deceased</i>			
		Mother: OTILIA BREWSTER – <i>deceased</i>			
Cont. from					
	Aff.Sub.Wit.				
✓	Verified	Paternal grandfather: WILLIAM BREWSTER – <i>deceased</i>			
	Inventory	Paternal grandmother: INEZ BREWSTER – <i>deceased</i>			
	PTC				
	Not.Cred.	Maternal grandfather: CATARINO CISNEROS – <i>deceased</i>			
✓	Notice of Hrg	Maternal grandmother: JULIA CISNEROS – <i>deceased</i>			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	n/a	Siblings: JUANITA QUIJANO, GEORGE BREWSTER, JR., CHARLES BREWSTER, DAVID BREWSTER, MAGGIE MORENO, WILLIAM BREWSTER, DANIEL BREWSTER		
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections	Petitioner alleges that both parents are deceased. It was Angel's mother's wish that Petitioner be appointed as guardian. Petitioner is Angel's godmother and he currently lives with her. Petitioner states that Angel wants to remain living with Petitioner.			
	Video Receipt				
	CI Report				
	9202				
✓	Order			Reviewed by: JF	
	Aff. Posting			Reviewed on: 07/12/13	
	Status Rpt			Updates:	
✓	UCCJEA			Recommendation:	
	Citation			File 15 – Cisneros	
	FTB Notice				